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Circular R1

Copyright Basics

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READEX FICHE

Copyright Basics

On January 1, 1978, the Copyright Act of 1976 (title 17 of the United States Code) came into effect. This general revision of the copyright law of the United States, the first such revision since 1909, made important changes in our copyright system and superseded the previous Federal copyright statute. For highlights of the overall changes in the copyright law, request Circular R99 from the Copyright Office.

WHAT COPYRIGHT IS

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship" including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- *To reproduce* the copyrighted work in copies or phonorecords;
- *To prepare derivative works* based upon the copyrighted work;
- *To distribute copies or phonorecords* of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- *To perform the copyrighted work publicly,* in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, and
- *To display the copyrighted work publicly,* in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work.

It is illegal for anyone to violate any of the rights provided to the owner of copyright by the Act. These rights, however, are not unlimited in scope. Sections 107 through 118 of the Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of "fair use," which is now given a statutory basis by section 107 of the Act. In other instances, the limitation takes the form of a "compulsory license" under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For further information about the limitations of any of these rights, consult the Copyright Act or write to the Copyright Office.

WHO CAN CLAIM COPYRIGHT

Copyright protection subsists from the time the work is created in fixed form; that is, it is an incident of the process of authorship. The copyright in the work of authorship ***immediately*** becomes the property of the author who created it. Only the author or those deriving their rights through the author can rightfully claim copyright.

In the case of works made for hire, the employer and not the employee is presumptively considered the author. Section 101 of the copyright statute defines a "work made for hire" as:

> (1) a work prepared by an employee within the scope of his or her employment; or
>
> (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. . . .

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary.

Copyright in each separate contribution to a periodical or other collective work is distinct from copyright in the collective work as a whole and vests initially with the author of the contribution.

Two General Principles

- Mere ownership of a book, manuscript, painting, or any other copy or phonorecord does not give the possessor the copyright. The law provides that transfer of ownership of any material object that embodies a protected work does not of itself convey any rights in the copyright.

- Minors may claim copyright, but state laws may regulate the business dealings involving copyrights owned by minors. For information on relevant state laws, it would be well to consult an attorney.

COPYRIGHT AND NATIONAL ORIGIN OF THE WORK

Copyright protection is available for all unpublished works, regardless of the nationality or domicile of the author.

Published works are eligible for copyright protection in the United States if any one of the following conditions is met:

- On the date of first publication, one or more of the authors is a national or domiciliary of the United States or is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party, or is a stateless person wherever that person may be domiciled; or
- The work is first published in the United States or in a foreign nation that, on the date of first publication, is a party to the Universal Copyright Convention; or the work comes within the scope of a Presidential proclamation.

THE MANUFACTURING CLAUSE

The manufacturing clause in the copyright law, section 601 of the 1976 Copyright Act (title 17, U.S. Code), was extended by Congress in July 1982 until July 1, 1986; without this congressional action, the manufacturing provisions in the copyright law would have expired on July 1, 1982.

The manufacturing clause applies only to published works, primarily textual, written by United States authors or domiciliaries. The provisions require that copies of a work "consisting preponderantly of nondramatic literary material that is in the English language" be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. There are several exceptions to the provisions; they relate to three general categories: the nature of the work, the processes used to manufacture the copies, or certain facts existing at the time of importation or distribution of copies in the United States. One of the exceptions of the third type provides for the issuance of an Import Statement which will permit the importation of up to 2,000 copies of a foreign edition when certain conditions are met.

For further information on the issuance of Import Statements (Form IS), please write to:

Information Section, LM-401
Copyright Office
Library of Congress
Washington, D.C. 20559

WHAT WORKS ARE PROTECTED

Copyright protection exists for "original works of authorship" when they become fixed in a tangible form of expression. The fixation does not need to be directly perceptible, so long as it may be communicated with the aid of a machine or device. Copyrightable works include the following categories:

(1) literary works;
(2) musical works, including any accompanying words;
(3) dramatic works, including any accompanying music;
(4) pantomimes and choreographic works;
(5) pictorial, graphic, and sculptural works;
(6) motion pictures and other audiovisual works; and
(7) sound recordings.

This list is illustrative and is not meant to exhaust the categories of copyrightable works. These categories should be viewed quite broadly so that, for example, computer programs and most "compilations" are registrable as "literary works"; maps and architectural blueprints are registrable as "pictorial, graphic, and sculptural works."

WHAT IS NOT PROTECTED BY COPYRIGHT

Several categories of material are generally not eligible for statutory copyright protection. These include among others:

- Works that have *not* been fixed in a tangible form of expression. For example: choreographic works which have not been notated or recorded, or improvisational speeches or performances that have not been written or recorded.
- Titles, names, short phrases, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering, or coloring; mere listings of ingredients or contents.
- Ideas, procedures, methods, systems, processes, concepts, principles, discoveries, or devices, as distinguished from a description, explanation, or illustration.

- Works consisting *entirely* of information that is common property and containing no original authorship. For example: standard calendars, height and weight charts, tape measures and rules, and lists or tables taken from public documents or other common sources.

HOW TO SECURE A COPYRIGHT

Copyright Secured Automatically Upon Creation

The way in which copyright protection is secured under the present law is frequently misunderstood. No publication or registration or other action in the Copyright Office is required to secure copyright under the present law, unlike the previous law, which required either publication with the copyright notice or registration in the Copyright Office (see NOTE below). There are, however, certain definite advantages to registration. (See page 9.)

Under the present law, copyright is secured *automatically* when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. In general, "copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm. "Phonorecords" are material objects embodying fixations of sounds (excluding, by statutory definition, motion picture soundtracks), such as audio tapes and phonograph disks. Thus, for example, a song (the "work") can be fixed in sheet music ("copies") or in phonograph disks ("phonorecords"), or both.

If a work is prepared over a period of time, the part of the work existing in fixed form on a particular date constitutes the created work as of that date.

NOTE: Before 1978, statutory copyright was generally secured by the act of publication with notice of copyright, assuming compliance with all other relevant statutory conditions. Works in the public domain on January 1, 1978 (for example, works published without satisfying all conditions for securing statutory copyright under the Copyright Act of 1909) remain in the public domain under the current Act.

Statutory copyright could also be secured before 1978 by the act of registration in the case of certain unpublished works and works eligible for ad interim copyright. The current Act automatically extends to full term copyright (section 304 sets the term) for all works in which ad interim copyright was subsisting or was capable of being secured on December 31, 1977.

PUBLICATION

Publication is no longer the key to obtaining statutory copyright as it was under the Copyright Act of 1909. However, publication remains important to copyright owners.

The Copyright Act defines publication as follows:

> "Publication" is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not of itself constitute publication.

A further discussion of the definition of "publication" can be found in the legislative history of the Act. The legislative reports define "to the public" as distribution to persons under no explicit or implicit restrictions with respect to disclosure of the contents. The reports state that the definition makes it clear that the sale of phonorecords constitutes publication of the underlying work, for example, the musical, dramatic, or literary work embodied in a phonorecord. The reports also state that it is clear that any form of dissemination in which the material object does not change hands, for example, performances or displays on television, is *not* a publication no matter how many people are exposed to the work. However, when copies or phonorecords are offered for sale or lease to a group of wholesalers, broadcasters, or motion picture theaters, publication does take place if the purpose is further distribution, public performance, or public display.

Publication is an important concept in the copyright law because upon publication, several significant consequences follow. Among these are:

- When a work is published, all published copies should bear a notice of copyright. (See discussion below of "notice of copyright.")
- Works that are published with notice of copyright in the United States are subject to mandatory deposit with the

Library of Congress. (See discussion on page 10 on "mandatory deposit.")

- Publication of a work can affect the limitations on the exclusive rights of the copyright owner that are set forth in sections 107 through 118 of the law.
- The year of publication is used in determining the duration of copyright protection for anonymous and pseudonymous works (when the author's identity is not revealed in the records of the Copyright Office) and for works made for hire.
- Deposit requirements for registration of published works differ from those for registration of unpublished works. (See discussion on page 9 of "copyright registration" procedures.)

NOTICE OF COPYRIGHT

When a work is published under the authority of the copyright owner, a notice of copyright should be placed on all publicly distributed copies and on all publicly distributed phonorecords of sound recordings. This notice is required even on works published outside of the United States. Failure to comply with the notice requirement can result in the loss of certain additional rights otherwise available to the copyright owner.

The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office. As mentioned above, use of the notice makes the unpublished works subject to mandatory deposit requirements. (See discussion on page 10 on "mandatory deposit.")

Form of Notice for Visually Perceptible Copies

The notice for visually perceptible copies should contain all of the following three elements:

1. *The symbol* © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr."; and
2. *The year of first publication* of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful article; and
3. *The name of the owner of copyright* in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example: © 1985 John Doe

The "C in a circle" notice is required only on "visually perceptible copies." Certain kinds of works, for example, musical, dramatic, and literary works, may be fixed not in "copies" but by means of sound in an audio recording. Since audio recordings such as audio tapes and phonograph disks are "phonorecords" and not "copies," there is no requirement that the phonorecord bear a "C in a circle" notice to protect the underlying musical, dramatic, or literary work that is recorded.

Form of Notice for Phonorecords of Sound Recordings

The copyright notice for phonorecords of sound recordings* has somewhat different requirements. The notice appearing on phonorecords should contain the following three elements:

1. *The symbol* ℗ (the letter P in a circle); and
2. *The year of first publication* of the sound recording; and
3. *The name of the owner of copyright* in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner. If the producer of the sound recording is named on the phonorecord labels or containers, and if no other name appears in conjunction with the notice, the producer's name shall be considered a part of the notice.

Example: ℗ 1985 A.B.C., Inc.

NOTE: Because of problems that might result in some cases from the use of variant forms of the notice, any form of the notice other than these given here should not be used without first seeking legal advice.

Position of Notice

The notice should be affixed to copies or phonorecords of the work in such a manner and location as to "give reasonable notice of the claim of copyright." The notice on phonorecords may appear on the surface of the phonorecord or on

*Sound recordings are defined as "works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied."

the phonorecord label or container, provided the manner of placement and location gives reasonable notice of the claim. The three elements of the notice should ordinarily appear together on the copies or phonorecords. The Copyright Office has issued regulations concerning the form and position of the copyright notice in the *Code of Federal Regulations* (37 C.F.R. Part 201); copies of these regulations are available from the Copyright Office as Circular R96 201.20.

Publications Incorporating United States Government Works

Works by the United States Government are not subject to copyright protection. Whenever a work is published in copies or phonorecords consisting preponderantly of one or more works of the United States Government, the notice of copyright shall also include a statement that identifies one or the other of the following: those portions protected by the copyright law *or* those portions that constitute United States Government material.

Unpublished Works

The copyright notice is not required on unpublished works. To avoid an inadvertent publication without notice, however, it may be advisable for the author or other owner of the copyright to affix notices, or a statement such as *Unpublished Work* © 1985 John Doe, to any copies or phonorecords which leave his or her control.

Effect of Omission of the Notice or of Error in the Name or Date

Unlike the law in effect before 1978, the new Copyright Act, in sections 405 and 406, provides procedures for correcting errors and omissions of the copyright notice on works published on or after January 1, 1978.

In general, the omission or error does not automatically invalidate the copyright in a work if registration for the work has been made before or is made within 5 years after the publication without notice, and a reasonable effort is made to add the notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered.

HOW LONG COPYRIGHT PROTECTION ENDURES

Works Originally Copyrighted on or After January 1, 1978

A work that is created (fixed in tangible form for the first time) on or after January 1, 1978, is automatically protected from the moment of its creation, and is ordinarily given a term enduring for the author's life, plus an additional 50 years after the author's death. In the case of "a joint work prepared by two or more authors who did not work for hire," the term lasts for 50 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright will be 75 years from publication or 100 years from creation, whichever is shorter.

Works that were created before the present law came into effect, but had neither been published nor registered for copyright before January 1, 1978, have been automatically brought under the statute and are now given Federal copyright protection. The duration of copyright in these works will generally be computed in the same way as for works created on or after January 1, 1978: the life-plus-50 or 75/100-year terms will apply to them as well. However, all works in this category are guaranteed at least 25 years of statutory protection.

Works Copyrighted Before January 1, 1978

Under the law in effect before 1978, copyright was secured either on the date a work was published, or on the date of registration if the work was registered in unpublished form. In either case, the copyright endured for a first term of 28 years from the date it was secured. During the last (28th) year of the first term, the copyright was eligible for renewal. The new copyright law has extended the renewal term from 28 to 47 years for copyrights that were subsisting on January 1, 1978, making these works eligible for a total term of protection of 75 years. However, the copyright *must* be timely renewed to receive the 47-year period of added protection. For more detailed information on the copyright term, write to the Copyright Office and request Circulars R15a and R15t. For information on how to search the Copyright Office records concerning the copyright status of a work, ask for Circular R22.

TRANSFER OF COPYRIGHT

Any or all of the exclusive rights, or any subdivision of those rights, of the copyright owner may be transferred, but the transfer of *exclusive* rights is not valid unless that transfer is in writing and signed by the owner of the rights con-

veyed (or such owner's duly authorized agent). Transfer of a right on a nonexclusive basis does not require a written agreement.

A copyright may also be conveyed by operation of law and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

Copyright is a personal property right, and it is subject to the various state laws and regulations that govern the ownership, inheritance, or transfer of personal property as well as terms of contracts or conduct of business. For information about relevant state laws, consult an attorney.

Transfers of copyright are normally made by contract. The Copyright Office does not have or supply any forms for such transfers. However, the law does provide for the recordation in the Copyright Office of transfers of copyright ownership. Although recordation is not required to make a valid transfer as between the parties, it does provide certain legal advantages and may be required to validate the transfer as against third parties. For information on recordation of transfers and other documents related to copyright, write to the Copyright Office for Circular R12.

TERMINATION OF TRANSFERS

Under the previous law, the copyright in a work generally reverted to the author, if living, or if the author was not living, to other specified beneficiaries, provided a renewal claim was registered in the 28th year of the original term. The present law drops the renewal feature except for works already in their first term of statutory protection when the present law took effect. Instead, the present law generally permits termination of a grant of rights after 35 years under certain conditions by serving written notice on the transferee within specified time limits.

For works already under statutory copyright protection, the present law provides a similar right of termination covering the newly added years that extended the former maximum term of the copyright from 56 to 75 years. For further information, write to the Copyright Office for Circulars R15a and R15t.

INTERNATIONAL COPYRIGHT PROTECTION

There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions. For a list of countries which maintain copyright relations with the United States, write to the Copyright Office and ask for Circular R38a.

The United States is a member of the Universal Copyright Convention (the UCC), which came into force on September 16, 1955. Generally, a work by a national or domiciliary of a country that is a member of the UCC or a work first published in a UCC country may claim protection under the UCC. If the work bears the notice of copyright in the form and position specified by the UCC, this notice will satisfy and substitute for any other formalities a UCC member country would otherwise impose as a condition of copyright. A UCC notice should consist of the symbol © accompanied by the name of the copyright proprietor and the year of first publication of the work.

An author who wishes protection for his or her work in a particular country should first find out the extent of protection of foreign works in that country. If possible, this should be done before the work is published anywhere, since protection may often depend on the facts existing at the time of **first** publication.

If the country in which protection is sought is a party to one of the international copyright conventions, the work may generally be protected by complying with the conditions of the convention. Even if the work cannot be brought under an international convention, protection under the specific provisions of the country's national laws may still be possible. Some countries, however, offer little or no copyright protection for foreign works.

COPYRIGHT REGISTRATION

In general, copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. However, except in two specific situations,* registration is not a condition of copyright protection.

*Works published with notice of copyright prior to January 1, 1978, must be registered and renewed during the first 28-year term of copyright to maintain protection.

Under sections 405 and 406 of the Copyright Act, copyright registration may be required to preserve a copyright that would otherwise be invalidated because the copyright notice was omitted from the published copies or phonorecords, or the name or year date was omitted, or certain errors were made in the year date.

Even though registration is not generally a requirement for protection, the copyright law provides several inducements or advantages to encourage copyright owners to make registration. Among these advantages are the following:

- Registration establishes a public record of the copyright claim;
- Registration is ordinarily necessary before any infringement suits may be filed in court;
- If made before or within 5 years of publication, registration will establish prima facie evidence in court of the validity of the copyright and of the facts stated in the certificate; and
- If registration is made within 3 months after publication of the work or prior to an infringement of the work, statutory damages and attorney's fees will be available to the copyright owner in court actions. Otherwise, only an award of actual damages and profits is available to the copyright owner.

Registration may be made at any time within the life of the copyright. Unlike the law before 1978, when a work has been registered in unpublished form, it is not necessary to make another registration when the work becomes published (although the copyright owner may register the published edition, if desired).

NOTE: Before 1978, the copyright law required, as a condition for copyright protection, that all copies published with the authorization of the copyright owner bear a proper notice. If a work was published under the copyright owner's authority before January 1, 1978, without a proper copyright notice, all copyright protection for that work was permanently lost in the United States. The current copyright law does not provide retroactive protection for those works.

REGISTRATION PROCEDURES

In General

To register a work, send the following three elements to the Copyright Office ***in the same envelope or package*** to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559: (see page 12 for what happens if the elements are sent separately).

1. A properly completed application form;
2. A nonreturnable filing fee of $10 for each application;
3. A nonreturnable deposit of the work being registered. The deposit requirements vary in particular situations. The general requirements are as follows:

- If the work is unpublished, one complete copy or phonorecord.
- If the work was first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.
- If the work was first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.
- If the work was first published outside the United States, whenever published, one complete copy or phonorecord of the work as first published.
- If the work is a contribution to a collective work, and published after January 1, 1978, one complete copy or phonorecord of the best edition of the collective work.

NOTE: COMPLETE THE APPLICATION FORM USING BLACK INK PEN OR TYPEWRITER. After registration is completed, the application form becomes a part of the official permanent records of the Copyright Office so the application forms must meet archival standards. Therefore, applications should be submitted on the forms printed and issued by the Copyright Office. Because the certificate itself will be reproduced from the application by xerographic process, it should be completed legibly in black ink or typewritten.

Unpublished Collections

A work may be registered in unpublished form as a "collection," with one application and one fee, under the following conditions:

- The elements of the collection are assembled in an orderly form;
- The combined elements bear a single title identifying the collection as a whole;
- The copyright claimant in all the elements and in the collection as a whole is the same; and
- All of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.

Unpublished collections are indexed in the *Catalog of Copyright Entries* only under the collection titles.

Special Deposit Requirements

The Copyright Act gives the Register of Copyrights authority to issue regulations making adjustments in the statutory deposit requirements. These regulations as now issued require or permit, for particular classes, the deposit of identifying material instead of copies or phonorecords, the deposit of only one copy or phonorecord where two would normally be required, and in some cases material other than complete copies of the best edition. For example, the regulations ordinarily require deposit of identifying material, such as photographs or drawings, when the work being registered has been reproduced in three-dimensional copies.

If you are unsure of the proper deposit required for your work, write to the Copyright Office for that information and describe the work you wish to register.

NOTE: LIBRARY OF CONGRESS CATALOG CARD NUMBERS.
A Library of Congress Catalog Card Number is different from a copyright registration number. The Cataloging in Publication (CIP) Division of the Library of Congress is responsible for assigning LC Catalog Card Numbers and is operationally separate from the Copyright Office. A book may be registered in or deposited with the Copyright Office but not necessarily cataloged and added to the Library's collections. For information about obtaining an LC Catalog Card Number, contact the CIP Division, Library of Congress, Washington, D.C. 20540.

CORRECTIONS AND AMPLIFICATIONS OF EXISTING REGISTRATIONS

To deal with cases in which information in the basic registration later turns out to be incorrect or incomplete, the law provides for "the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration." The information in a supplementary registration augments but does not supersede that contained in the earlier registration. Note also that a supplementary registration is not a substitute for an original registration or for a renewal registration. Form CA is available from the Copyright Office for making a supplementary registration. For further information about supplementary registrations, write for Circular R8.

MANDATORY DEPOSIT FOR WORKS PUBLISHED IN THE UNITED STATES WITH NOTICE OF COPYRIGHT

Although a copyright registration is not required, the Copyright Act establishes a mandatory deposit requirement for works published with notice of copyright in the United States (see definition of "publication" on page 5). In general, the owner of copyright, or the owner of the right of first publication in the work, has a legal obligation to deposit in the Copyright Office, within 3 months of publication in the United States, 2 copies (or, in the case of sound recordings, 2 phonorecords) for the use of the Library of Congress. Failure to make the deposit can result in fines and other penalties, but does not affect copyright protection.

The Copyright Office has issued regulations *exempting* certain categories of works *entirely* from the mandatory deposit requirements, and reducing the obligation for certain other categories. For further information about mandatory deposit, please write to the Copyright Office for Circular R7d.

USE OF MANDATORY DEPOSIT TO SATISFY REGISTRATION REQUIREMENTS

With respect to works published in the United States the Copyright Act contains a special provision under which a single deposit can be made to satisfy both the deposit requirements for the Library and the registration requirements. The provision requires that, in order to have this dual effect, the copies or phonorecords must be "accompanied by the prescribed application and fee" for registration.

WHO MAY FILE AN APPLICATION FORM

The following persons are legally entitled to submit an application form:

- The author. This is either the person who actually created the work, or, if the work was made for hire, the employer or other person for whom the work was prepared.
- The copyright claimant. The copyright claimant is defined in Copyright Office regulations as either the author of the work or a person or organization that has obtained ownership of all the rights under the copyright initially belonging to the author. This category includes a person or organization who has obtained by contract the right to claim legal title to the copyright in an application for copyright registration.
- The owner of exclusive right(s). Under the new law, any of the exclusive rights that go to make up a copyright and any subdivision of them can be transferred and owned separately, even though the transfer may be limited in time or place of effect. The term "copyright owner" with respect to any one of the exclusive rights contained in a copyright refers to the owner of that particular right. Any owner of an exclusive right may apply for registration of a claim in the work.
- The duly authorized agent of such author, other copyright claimant, or owner of exclusive right(s). Any person authorized to act on behalf of the author, other copyright claimant, or owner of exclusive right(s) may apply for registration.

There is no requirement that applications be prepared or filed by an attorney.

APPLICATION FORMS

For Original Registration

Form TX: for published and unpublished non-dramatic literary works

Form SE: for serials, works issued or intended to be issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely (periodicals, newspapers, magazines, newsletters, annuals, journals, etc.)

Form PA: for published and unpublished works of the performing arts (musical and dramatic works, pantomimes and choreographic works, motion pictures and other audiovisual works)

Form VA: for published and unpublished works of the visual arts (pictorial, graphic, and sculptural works)

Form SR: for published and unpublished sound recordings

For Renewal Registration

Form RE: for claims to renewal copyright in works copyrighted under the law in effect through December 31, 1977 (1909 Copyright Act)

For Corrections and Amplifications

Form CA: for supplementary registration to correct or amplify information given in the Copyright Office record of an earlier registration.

Other Forms for Special Purposes

Form GR/CP: an adjunct application to be used for registration of a group of contributions to periodicals in addition to an application Form TX, PA, or VA

Form IS: request for issuance of an Import Statement under the manufacturing provisions of the Copyright Act

Application forms are supplied by the Copyright Office free of charge.

COPYRIGHT OFFICE HOTLINE

NOTE: Requestors may order application forms and circulars at any time by telephoning (202) 287-9100. Orders will be recorded automatically and filled as quickly as possible.

MAILING INSTRUCTIONS

All applications and materials related to copyright registration sent to the Copyright Office should be addressed to the Register of Copyrights, Copyright Office, Library of Congress, Washington, D.C. 20559.

The application, nonreturnable deposit (copies or phonorecords), and nonreturnable filing fee should be mailed in the same package.

WHAT HAPPENS IF THE THREE ELEMENTS ARE NOT RECEIVED TOGETHER

Applications and fees received without copies or phonorecords will **not** be processed and will ordinarily be returned. Unpublished deposits alone will ordinarily be returned, also. Published deposits received without applications and fees will be immediately transferred to the collections of the Library of Congress. This practice is in accordance with section 408 of the law which provides that the published deposit required for the collections of the Library of Congress may be used for registration only if the deposit is "accompanied by the prescribed application and fee . . ."

After the deposit is received and transferred to another department of the Library for its collections or other disposition, it is no longer available to the Copyright Office; the custody of that deposit has also been transferred to the other department. Then, if you wish to make copyright registration, you must deposit additional copies or phonorecords with your application and fee.

FEES

Do not send cash. A fee sent to the Copyright Office should be in the form of a money order, check, or bank draft payable to the Register of Copyrights; it should be securely attached to the application. A remittance from outside the United States should be payable in U.S. dollars and should be in the form of an International money order or a draft drawn on a U.S. bank. Do not send a check drawn on a foreign bank.

EFFECTIVE DATE OF REGISTRATION

Please note that **a copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form,** regardless of the length of time it takes thereafter to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application *varies from time to time, depending on the amount of material* received and the personnel available to handle it. It must also be kept in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

If you are filing an application for copyright registration in the Copyright Office, you *will not* receive an acknowledgement that your application has been received (the Office receives more than 500,000 applications annually), but you can expect:

- A letter or telephone call from a copyright examiner if further information is needed;
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

You may not receive either of these until 90 days have passed.

If you want to know when the Copyright Office receives your material, you should send it via registered or certified mail and request a return receipt.

SEARCH OF COPYRIGHT OFFICE RECORDS

The records of the Copyright Office are open to inspection and searching by the public. Moreover, on request, the Copyright Office will make a search of its records at the statutory rate of $10 for each hour or fraction of an hour consumed. For information on searching the Office records concerning the copyright status or ownership of a work, please write for Circulars R22 and R23.

AVAILABLE INFORMATION

This circular attempts to answer some of the questions that are frequently asked about copyright. For a list of other material published by the Copyright Office, write for Circular R2, "Publications on Copyright." Any requests for Copyright Office publications or special questions relating to copyright problems not mentioned in this circular should be addressed to the Copyright Office, LM 455, Library of Congress, Washington, D.C. 20559.

The Copyright Office is not permitted to give legal advice. If you need information or guidance on matters such as disputes over the ownership of a copyright, suits against possible infringers, the procedure for getting a work published, or *the method of obtaining royalty payments, it may be necessary* to consult an attorney.

Copyright Office • Library of Congress • Washington, D.C. 20559

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